

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. **06 -MSRC- 032**

COMMONWEALTH OF KENTUCKY,  
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

vs.

**FINAL ORDER  
FOR HAROLD DAVID MOSLEY**

**HAROLD DAVID MOSLEY,**  
JEFFERY McGUIRE & ALVIN MOSLEY

RESPONDENTS

This matter having come before the Mine Safety Review Commission (Commission) on the Motion for Default Judgment by the Complainant, Office of Mine Safety and Licensing (OMSL) and having no Answer or other Motion or responsive pleading filed by Respondent **Harold David Mosley** in regard to the Complaint, served upon Respondent on or about September 19, 2006, and having no responsive pleading in regard to the Motion for Default Judgment and the members of the Commission having reviewed the Motion for Default Judgment filed on October 5, 2006 in the matter herein, and the Commissioners being sufficiently advised,

IT IS HEREBY **ORDERED** as follows:

1. The Motion for Default Judgment is **GRANTED**;
2. The formal hearing and pre-hearing conference are **CANCELLED**;
3. The notice of hearing is sufficient pursuant to KRS 13B.050(2). The

Certified Mail and regular mail for the Notice of Hearing was served upon the address of record for Mosley as provided by OMSL & KYDOT.

4. The Commission Orders and incorporates the statement of the Parties, Jurisdiction , Cause of Action and disciplinary measures as provided in the Complaint as follows as a material part of this **FINAL ORDER**:

(1) Mosley's underground mine foreman's certificate (# A-28-77) shall be **suspended** for a period of **two (2) years**;

(2) Mosley's mining instructors-underground, gas detection, drill operator, electrical worker, EMT, MET, shot firer-conventional, and shot firer solid blasting, shall each be **probated** for a period of **one (1) year**;

(3) Prior to the designated period of suspension for the certification designated above in (1), Mosley shall be required to **retake and re-pass** the applicable Kentucky examination before re-applying to the Kentucky Mining Board to be re-certified;

(4) that during this period of probation, that Mosley shall comply with all state and federal mine safety laws and regulations, and that the violation of any of said laws or regulations may result in OMSL filing a motion with the Commission to **revoke** his certificates for the remainder of the probationary period;

(5) Mosley shall take **eight (8) hours** of special **safety training** from OMSL **within 45 days** of the date of the service of this Final Order as provided in the certificate of service below.

8. Appellate rights: Pursuant to KRS 351.194(8) and KRS 13B.140(1), an appeal of an order of the Commission must be filed in the Franklin Circuit Court within thirty (30) days of the entry of this Final Order. The petition shall include the names and addresses of all parties of record in this proceeding and shall include a statement of the grounds upon which review is requested. A copy of this Final Order shall accompany the petition. Copies of the petition must be served upon the Commission and all parties of record in this proceeding.

Entered this the 12<sup>TH</sup> day of October 2006.



DENISE MOORE DAVIDSON, CHAIR  
MINE SAFETY REVIEW COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINAL ORDER was served by certified mail, return receipt requested, and by regular mail, postage pre-paid to the following this 13<sup>TH</sup> day of October 2006:

HAROLD DAVID MOSLEY  
40 LITTLE DOTY BRANCH  
DEMA, KENTUCKY 41859-9092

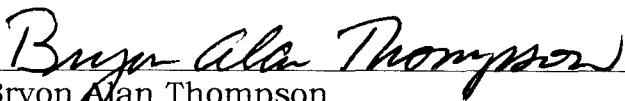
*Respondent*

And by messenger mail to:

HON. STEPHEN C. BOYD  
OFFICE OF LEGAL SERVICES  
NATURAL RESOURCES LEGAL DIVISION  
#2 HUDSON HOLLOW  
FRANKFORT KY 40601  
502/ 564- 2356  
FAX 502/ 564 - 9212  
Counsel for OMSL

And the original shall be kept on file:

Mine Safety Review Commission  
132 Brighton Park Blvd.  
Frankfort Ky 40601

  
Bryon Alan Thompson  
General Counsel  
Mine Safety Review Commission